

DECLARATION

We, John M. Payne, and Timothy A. von Kaenel, joint inventors herein, hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names.

We believe that we are the original, first and joint inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled

"CONTACT ALERTS FOR UNCONNECTED USERS"

the specification and drawings for which were filed on 11/24/97, Serial No. 08/970,655.

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to in this declaration.

We acknowledge the duty to disclose to the Patent and Trademark Office all information known to us to be material to the patentability of any claim in accordance with Title 37, Code of Federal Regulations, §1.56, and which is material to the examination of this application, namely, information where there is a substantial likelihood that a reasonable examiner would consider it important in deciding whether to allow the application to issue as a patent.

We hereby claim foreign priority benefits under Title 35, United States Code §119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

<u>Country</u>	<u>Application No.</u>	<u>Filing Date (day, month, year)</u>
----------------	------------------------	---------------------------------------

- NONE -

We hereby claim the benefit under Title 35, United States Code §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

U.S. Serial No.

U.S. Filing Date

Status

- NONE -

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issued thereon.

Full name of  
first joint Inventor:

John M. Payne

Residence:

660 Thalia St.  
Laguna Beach, CA 92651

Citizenship:

United States

Post Office Address:

660 Thalia St.  
Laguna Beach, CA 92651

Date: \_\_\_\_\_

John M. Payne

Full name of  
second joint Inventor:

Timothy A. von Kaenel

Residence:

12 Lake View Dr.  
Coto De Caza, CA 92679

Citizenship:

United States

Post Office Address:

12 Lake View Dr.  
Coto De Caza, CA 92679

Date: 6/1/00

Timothy A. von Kaenel

Attorney Docket No.  
031993-0002;

SMALL ENTITY  
SMALL BUSINESS CONCERN

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL  
ENTITY STATUS (37 C.F.R. §1.9(f) and §1.27(c))—  
SMALL BUSINESS CONCERN**

I, David Rose hereby declare that I am

— the owner of the small business concern identified below:

X an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN      Wireless Internet, Inc.

ADDRESS OF CONCERN    11 East 26<sup>th</sup> Street – 16<sup>th</sup> Floor  
New York, NY 10010

I hereby declare that the above-identified small business concern qualifies as a small business concern as defined in 13 C.F.R. §121.3-18, and reproduced in 37 C.F.R. §1.9(d), for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when, either directly or indirectly, one concern controls or has the power to control the other, or a third-party or parties controls or has the power to control both.

I hereby declare that rights under license, contract or law have been acquired by or conveyed to and remain with the small business concern identified above with regard to the

invention entitled

"CONTACT ALERTS FOR UNCONNECTED USERS"

by inventors John M. Payne and Tim Von Kaenel

as described in

☐ the specification filed herewith.

☒ the specification filed November 14, 1997 under Application Serial No. 08/970,655.

☐ Patent No. \_\_\_\_\_, issued \_\_\_\_\_.

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights to the invention is listed below and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R. §1.9(d) or by any concern which would not qualify as a small business concern under 37 C.F.R. §1.9(d) or a nonprofit organization under 37 C.F.R. §1.9(e).

☒ no such person, concern or organization exists

☐ any such person, concern or organization is identified below, if applicable:

Full Name \_\_\_\_\_

Address \_\_\_\_\_

☐ individual ☐ small business concern

☐ nonprofit organization

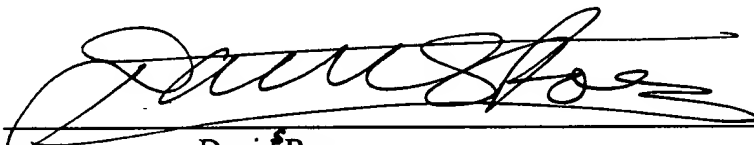
I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small business entity is no longer appropriate. (37 C.F.R. §1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

TYPED NAME OF PERSON SIGNING: David<sup>3</sup>Rose

TITLE: President and Chief Executive Officer

Date: 8/20/99

  
David<sup>3</sup>Rose

#259463 v.2

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Citizenship:

United States

Post Office Address:

12 Lake View Dr.  
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Date:

Timothy A. von Kaenel